IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO. 3028 OF 2005
IN
FIRST APPEAL NO. 139 OF 2007

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : J.P. DEVADHAR AND
B.P. DHARMADHIKARI, JJ.
JUNE 08, 2007.

Shri Kshirsagar, learned counsel for Respondents No. 1 to 3 states that the respondents are ready and willing to furnish solvent security for 50% of the total amount and bank guarantee for remaining 50% if the permission to withdraw the same is granted.

Shri Agnihotri, learned counsel for the petitioner opposes the request and he further states that if this Court is inclined to permit withdrawal, adequate measures should be taken to protect the interest of the appellant.

The learned AGP appearing for respondents No. 4 to 6 has no objection to above.

In the circumstances, we find that

solvent security to be furnished and also Bank guarantee are sufficient safeguards for the appellant.

In the circumstances, the respondents are permitted to withdraw the amount subject to furnishing solvent security of 50% of the amount to the satisfaction of the Registrar (Judicial) of this Court and on furnishing bank guarantee for remaining 50% of the amount.

In view of the statement made in the application that Respondent No.2 is holding power of attorney for Respondents No. 1 & 3 and all respondents have authorised him to receive the cheque for the amount to be withdrawn, the Registry is permitted to issue cheque in the name of Respondent No.2 on behalf of Respondents No. 1 to 3 subject to a no objection on affidavit to be filed by Respondents No. 1 & 3 for that purpose before the Registry.

JUDGE **JUDGE**

*GS.